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 10 **UNITED STATES DISTRICT COURT**  
 11 **DISTRICT OF NEVADA**

12 Coleman Family Revocable Living Trust,  
 13 by and through Trustees Sahar Lewis and  
 14 Pluyd Coleman,

15 Plaintiffs,  
 16 v.

17 PNC Bank, N.A., Matrix Trust Company,  
 18 Clear Recon Corp., Stefanie Armijo, Does  
 19 1 through 20,

20 Defendants.

21 **CASE NO.: 2:25-cv-00791**

22 **PNC Bank's Objection to  
 23 Temporary Restraining Order  
 24 Preventing Foreclosure**

25 PNC Bank, N.A. ("PNC Bank") by and through its counsel of record, Wolfe &  
 26 Wyman LLP hereby objects to the Court entering any temporary restraining order or  
 27 granting any other relief that would enjoin foreclosure, as set forth below.

28 **A. Plaintiff's sovereign citizen complaint and related filings do not and cannot  
 satisfy the rigorous standard for issuance of a TRO.**

29 Plaintiffs in foreclosure defense lawsuits often seek temporary restraining orders  
 30 on the eve of a scheduled foreclosure sale. Plaintiff sought such relief from the state  
 31 court judge and may seek such relief from this Court. PNC Bank respectfully requests  
 32 that the Court deny and such requested relief on the bases articulated below.

33 Federal Rule of Civil Procedure 65 governs preliminary injunctions and temporary



1 restraining orders, and requires that a motion for temporary restraining order include  
 2 “specific facts in an affidavit or a verified complaint [that] clearly show that  
 3 immediate and irreparable injury, loss, or damage will result to the movant before the  
 4 adverse party can be heard in opposition,” as well as written certification from the  
 5 movant’s attorney stating “any efforts made to give notice and the reasons why it  
 6 should not be required.” Fed. R. Civ. P. 65(b).

7 Temporary restraining orders are governed by the same standard applicable to  
 8 preliminary injunctions. *See Cal. Indep. Sys. Operator Corp. v. Reliant Energy Servs., Inc.*, 181 F. Supp. 2d 1111, 1126 (E.D. Cal. 2001). Furthermore, a temporary  
 10 restraining order “should be restricted to serving [its] underlying purpose of  
 11 preserving the status quo and preventing irreparable harm just so long as is necessary  
 12 to hold a hearing, and no longer.” *Granny Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers Local No. 70*, 415 U.S. 423, 439 (1974). An injunction is “a  
 14 drastic and extraordinary remedy, which should not be granted as a matter of course.”  
 15 *Monsanto Co. v. Geertson Seed Farms*, 561 U.S. 139, 130 S.Ct. 2743, 2761, 177  
 16 L.Ed.2d 461 (2010). Plaintiffs have the burden to show that injunctive relief is  
 17 appropriate. *See Granny Goose Foods*, 415 U.S. at 442–43 (1974). Because they are  
 18 extraordinary remedies, a plaintiff seeking a TRO or preliminary injunction must  
 19 overcome a significant evidentiary and persuasion burden. *Stein v. Dowling*, 867 F.  
 20 Supp. 2d 1087, 1095 (S.D. Cal. 2012) In order to obtain such relief, the plaintiff “must  
 21 make a ‘threshold showing’ of four factors.” *E. Bay Sanctuary Covenant v. Barr*, 964  
 22 F.3d 832, 844 (9th Cir. 2020). The plaintiff “must establish that he is likely to succeed  
 23 on the merits, that he is likely to suffer irreparable harm in the absence of preliminary  
 24 relief, that the balance of equities tips in his favor, and that an injunction is in the  
 25 public interest.” *Winter v. N.R.D.C.*, 555 U.S. 7, 20 129 S.Ct. 365 (2008). The  
 26 elements are conjunctive, meaning the party seeking the TRO or injunction must  
 27 satisfy each element. *See Bayview Loan Servicing, LLC v. Romewright Properties, LLC*, No. 218CV00305, 2018 WL 6566543, at \*2 (D. Nev. Oct. 26, 2018).

1 Plaintiff has requested a temporary restraining order in state court and PNC Bank  
2 anticipates that Plaintiff may seek similar ex parte relief in this action. A foreclosure  
3 sale is currently scheduled for May 9, 2025, and has been pending for several weeks.  
4 Plaintiff filed his Complaint weeks ago, and the property has been subject to  
5 foreclosure proceedings for months. The bare allegations in the Complaint and in any  
6 motion for injunctive relief fall far short of meeting the high burden required to enjoin  
7 the foreclosure sale.

8 Additionally, Plaintiff's Complaint and related filings appear to have the hallmarks  
9 of a Complaint based upon the "sovereign citizen" theory that the federal courts  
10 around the country have uniformly rejected. *Vachon v. Reverse Mortgage Solutions,*  
11 Inc., 2017 WL 6628103, at \*6 (C.D.Cal. August 11, 2017) (theories tied to the  
12 sovereign citizen movement seeking to avoid debt repayment have been unsuccessful  
13 and dismissed as patently frivolous by courts across the country); *Caetano v. Internal*  
14 *Revenue Service*, 2023 WL 3319158, at \*3-4 (E.D.Cal. May 8, 2023) (noting that the  
15 plaintiff's claim was rooted in the sovereign citizen ideology and claims that  
16 individuals can "free" themselves by filing one or more Uniform Commercial Code  
17 financial statements naming themselves as both the secured party and the debtor; such  
18 theories are legally frivolous that have been widely rejected by the federal courts);  
19 *Vazquez v. Cal. Hwy. Patrol*, 2016 WL 232332, at \*2-3, (E.D.Cal. Jan. 19, 2016)  
20 (finding plaintiff's sovereign citizen theory to be clearly frivolous, warranting  
21 dismissal of his section 1983 complaint without leave to amend); *United States v.*  
22 *Alexio*, 2015 WL 4069160, at \*2-4 (D. Haw July 2, 2015) (noting that the courts have  
23 flatly rejected the sovereign citizen theories as "frivolous, irrational [and]  
24 unintelligible").

25 In *Williams v. United States Small Business Administration*, the court aptly  
26 noted: "To put it bluntly, Plaintiff's Complaint is unintelligible. Plaintiff's claims rely  
27 on various strange, legally unsound arguments based on commercial codes, citizenship  
28 (or the purported lack thereof), and corporate statuses to conclude that he should be



1 allowed to not just rescind his loan and have his debt cancelled, but also receive \$2  
2 million in unexplainable damages. These arguments are highly similar to those made  
3 by sovereign citizens, which courts have uniformly rejected.” *Williams*, 2024 WL  
4 5247154, at \*2 (C.D.Cal. Dec. 30, 2024).

5 A last-minute delay of the foreclosure sale is unwarranted. Plaintiff’s eleventh-  
6 hour lawsuit provides no basis for the issuance of a temporary restraining order. To  
7 the extent Plaintiff seeks such relief, PNC Bank respectfully requests that the Court  
8 deny the request.

9 DATED: May 8, 2025

WOLFE & WYMAN LLP

10  
11 By: /s/ DAVID T. BLAKE

12 DAVID T. BLAKE, ESQ.  
13 Nevada Bar No. 11059



1                   **CERTIFICATE OF ELECTRONIC SERVICE**

2                   On May 8, 2025, I served the foregoing **PNC Bank's Objection to Temporary**  
3                   **Restraining Order Preventing Foreclosure** by the following means to the persons as  
4                   listed below:

- 5                        a.       **CM/EFC System**, electronic filing system of the United States District Court of  
6                   Nevada.

7                   WOLFE & WYMAN LLP

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9                   By: /s/ DAVID T. BLAKE

10                  DAVID T. BLAKE, ESQ.

11                  Nevada Bar No. 11059



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